

EXHIBIT A

**STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE**

**ANN HARRIPERSAUD, Individually and as
Parent and Natural Guardian of
M [REDACTED] H [REDACTED], an Infant
1 William Corrie Drive
Monroe, New York 10950,**

Plaintiffs,

SUMMONS

v.

Index No.

**SHER-BAIL ASSOCIATES LLC
570 Delaware Avenue
Buffalo, New York 14202,**

**WAL-MART STORES EAST, LP
702 SW 8TH St
Bentonville, AR, 72712-6209,
d/b/a
WAL-MART
3290 Sheridan Drive
Amherst, New York 14226,**

Defendants.

To the above-named Defendants:

YOU ARE HEREBY SUMMONED AND REQUIRED to serve upon the Plaintiffs' attorney, at the address stated below, a written Answer to the attached Complaint.

If this Summons is served upon you within the State of New York by personal service you must respond within TWENTY (20) days after service, not counting the day of service. If this Summons is not personally delivered to you within the State of New York you must respond within THIRTY (30) days after service is completed, as provided by law.

If you do not respond to the attached Complaint within the applicable time limitation stated above a Judgment will be entered against you, by default, for the relief demanded in the Complaint, without further notice to you.

This action is brought in the County of **ERIE** because of:

- ☐ Plaintiffs' residence, or place of business;
☒ Defendants' residence;
☒ Designation made by Plaintiffs.

Rosenthal, Kooshoian & Lennon, LLP

ATTORNEYS AND COUNSELORS AT LAW / 80 WEST HURON STREET / BUFFALO, NEW YORK 14202 / (716) 854-1300

DATED: Buffalo, New York
February 7, 2020



J. Patrick Lennon, Esq.
ROSENTHAL, KOOSHOIAN & LENNON, LLP
Attorneys for the Plaintiffs
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**STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE**

**ANN HARRIPERSAUD, Individually and as
Parent and Natural Guardian of
M [REDACTED] H [REDACTED], an Infant,**

Plaintiffs,

v.

COMPLAINT

Index No.

**SHER-BAIL ASSOCIATES LLC,
WAL-MART STORES EAST, LP, d/b/a
WAL-MART,**

Defendants.

The Plaintiffs, ANN HARRIPERSAUD, Individually and as Parent and Natural Guardian of M [REDACTED] H [REDACTED], an Infant, by and through her attorneys, Rosenthal, Kooshoian & Lennon, LLP, for her cause of action against the above-named Defendants herein alleges the following:

1. At the time of the subject incident, Plaintiff ANN HARRIPERSAUD and, her daughter, Infant Plaintiff M [REDACTED] H [REDACTED], were residents of the County of Erie and State of New York.

2. As of the date of this Complaint, Plaintiff ANN HARRIPERSAUD and, her daughter, Infant Plaintiff M [REDACTED] H [REDACTED], are residents of the County of Orange and State of New York.

3. Upon information and belief, at all times hereinafter mentioned, the Defendant, SHER-BAIL ASSOCIATES, LLC was and still is a domestic limited liability company duly organized and existing under and by virtue of the laws of the State of New York and was authorized to do business in the State of New York with offices for the transaction of business located at 570 Delaware Avenue, Buffalo, New York 14202.

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4. Upon information and belief, at all times mentioned herein, the Defendant, SHER-BAIL ASSOCIATES, LLC, is the owner of a certain property and the premises located at 3290 Sheridan Drive, in the Town of Amherst, County of Erie and State of New York.

5. That at all times hereinafter mentioned, the Defendant, SHER-BAIL ASSOCIATES, LLC, by and through its agents, servants and/or employees, operated, maintained, managed, possessed and controlled the premises and property located at 3290 Sheridan Drive, in the Town of Amherst, County of Erie and State of New York, and actively derived revenue and income from the operation of the business at that location.

6. That at all times hereinafter mentioned, the Defendant, SHER-BAIL ASSOCIATES, LLC, by and through its agents, servants and/or employees, as the operator, manager, possessor, and controller of the aforementioned premises had a duty to maintain the aforementioned premises, in a safe manner and condition for use by the general public and its invitees, including the Plaintiff ANN HARRIPERSAUD and, her daughter, Infant Plaintiff M [REDACTED] H [REDACTED].

7. At all times hereinafter mentioned, the Defendant, WAL-MART STORES EAST, LP was and still is a duly formed and organized foreign corporation existing under and by virtue of the laws of the State of Arkansas, and at all times herein relevant, was authorized to do business in the State of New York.

8. Upon information and belief, and at all times herein mentioned, the Defendant, WAL-MART STORES EAST, LP, regularly solicits business within the State of New York and does engage in a persistent course of conduct of marketing, distributing and selling goods for its own profit within and to the State of New York along with many other states within the United States, and derives substantial revenue from its services rendered in the State of New York.

9. Upon information and belief, and at all times herein mentioned, the Defendant, WAL-MART STORES EAST, LP, was doing business as WAL-MART, with a large retail store open to the public and its invitees on the property and premises located at 3290 Sheridan Drive, in the Town of Amherst, County of Erie and State of New York.

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10. Upon information and belief, and at all times herein mentioned, the Defendant, WAL-MART STORES EAST, LP, while doing business as WAL-MART, occupied, managed, possessed, maintained and controlled the property and premises located at 3290 Sheridan Drive, in the Town of Amherst, County of Erie and State of New York.

11. That at all times hereinafter mentioned, the Defendant, WAL-MART STORES EAST, LP, while doing business as WAL-MART, by and through its agents, servants and/or employees, operated, maintained, managed, possessed and controlled the premises and property located at 3290 Sheridan Drive, Town of Amherst, County of Erie and State of New York, and derived revenue and income from the operation of the business at that location.

12. That at all times hereinafter mentioned, the Defendant, WAL-MART STORES EAST, LP, while doing business as WAL-MART by and through their agents, servants and/or employees, as the operator, manager, possessor, and controller of the aforementioned premises, had a duty to maintain the aforementioned premises, in a safe manner and condition for use by the general public and their invitees, including the Plaintiff ANN HARRIPERSAUD and, her daughter, Infant Plaintiff M [REDACTED] H [REDACTED].

13. Upon information and belief, at all times hereinafter mentioned, the Defendants, SHER-BAIL ASSOCIATES, LLC, and WAL-MART STORES EAST, LP, while doing business as WAL-MART, by and through their agents, servants, employees, contractors, property management and/or maintenance personnel, were responsible for properly constructing, inspecting, and maintaining the premises and property in a reasonably safe condition.

14. That on or about the 7th day of February, 2017, at approximately 5:30 p.m., the Infant Plaintiff, M [REDACTED] H [REDACTED], was lawfully and properly walking on the Defendants' WAL-MART store property and premises located at 3290 Sheridan Drive, in the Town of Amherst, County of Erie and State of New York when she was caused to slip and fall as a result

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of a dangerous, hazardous and/or defective condition while lawfully walking as an invitee into the Defendants' premises.

15. That the Defendants, SHER-BAIL ASSOCIATES, LLC, and WAL-MART STORES EAST, LP, while doing business as WAL-MART, by and through their agents, servants, managers, contractors and/or employees were negligent, careless and/or reckless through their acts or their omissions to act in the construction, inspection, maintenance, control and/or care of the premises and property known as WAL-MART located at 3290 Sheridan Drive, in the Town of Amherst, County of Erie and State of New York and in negligently, carelessly and/or recklessly creating a dangerous condition and/or permitting a dangerous condition to exist.

16. That as a result of the negligence, carelessness and/or recklessness of the Defendants, SHER-BAIL ASSOCIATES, LLC, and WAL-MART STORES EAST, LP, while doing business as WAL-MART, by and through their agents, servants, managers, contractors and/or employees, the Infant Plaintiff, M [REDACTED] H [REDACTED] has sustained serious permanent and personal injuries, conscious pain and suffering, loss of enjoyment of life, incurred medical and hospital expenses, loss of income, and continues to sustain further damages into the future.

17. That at all times herein mentioned, the Infant Plaintiff, M [REDACTED] H [REDACTED] was the infant daughter of the Plaintiff, ANN HARRIPERSAUD, and as a result of the injuries which the Infant Plaintiff sustained, Plaintiff, ANN HARRIPERSAUD has become legally responsible for her daughter's medical and hospital expenses, all to her damage in an amount in excess of the jurisdictional limits of all lower courts.

18. That this action falls within one or more of the exemptions or exclusions to Article 16 of the CPLR §1602.

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WHEREFORE, the Plaintiffs, ANN HARRIPERSAUD, Individually and as Parent and Natural Guardian of M [REDACTED] H [REDACTED], an Infant, demand judgment against the Defendants, SHER-BAIL ASSOCIATES, LLC, and WAL-MART STORES EAST, LP, while doing business as WAL-MART, in an amount which exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction in this action, together with interest, from the date of the verdict rendered herein.

DATED: Buffalo, New York
February 7, 2020



J. Patrick Lennon, Esq.
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